

IN DISTRICT COURT, GRAND FORKS COUNTY, NORTH DAKOTA

Clifford Eaton,

Plaintiff,

v.

Financial Recovery Services, Inc.,

Defendant.

Civil Case: _____

SUMMONS

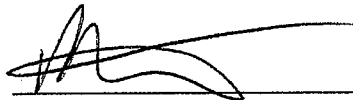
THE STATE OF NORTH DAKOTA TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to appear and defend against the complaint in this action, by serving upon the undersigned an Answer or other proper response within twenty (20) days after the service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Dated at Grand Forks, North Dakota, this 21st day of April, 2009.

Johnston Law Office



DeWayne Johnston (ND ID # 5763)

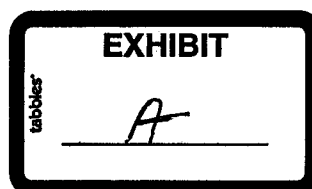
219 South 4th Street

Grand Forks, ND 58201

(701) 775-0082

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Attorney for the Plaintiff



IN DISTRICT COURT, GRAND FORKS COUNTY, NORTH DAKOTA

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COMPLAINT

COMES NOW the Plaintiff, Clifford Eaton, by counsel, and for his Complaint against Defendant, Financial Recovery Services, Inc., and alleges as follows:

INTRODUCTION:

1. This is a complaint for violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq., and the Fair Debt Collections Practices Act, 15 U.S.C. § 1692, et seq. This Court has jurisdiction pursuant to 15 U.S.C. § 1681p, 15 U.S.C. § 1692k(d), N.D.C.C. § 27-05-06, and Article VI, § 8 of the North Dakota Constitution.

PARTIES:

2. Plaintiff, Clifford Eaton ("EATON"), is and was at all times relevant hereto a citizen of the United States and a resident of the State of North Dakota.
3. Defendant, Financial Recovery Services, Inc. ("FRS"), is and was at all times relevant hereto a debt collection business incorporated in the State of Minnesota.

FACTS:

4. In February 2009, Eaton obtained a copy of his credit report from Trans Union, a national credit reporting agency.
5. In reviewing the aforementioned credit report, Eaton found that FRS has obtained a copy of his credit report in January 2009.
6. On February 16, 2009, Eaton sent a letter to FRS inquiring as to why it had obtained a copy of his credit report.

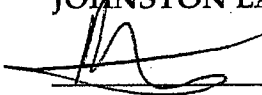
7. On February 20, 2009, FRS sent a letter to Eaton indicating it was attempting to collect a debt in the amount of \$1,751.07 on behalf of HSBC Card Services.
8. The letter Eaton received from FRS did not advise Eaton that he had a right to dispute the debt and request verification of same.
9. FRS has a duty under 15 U.S.C. § 1692g(a) to advise any consumer it contacts concerning a debt that, among things, the consumer has a right to dispute the validity of the debt and request verification of same.
10. FRS breached its duty under 15 U.S.C. § 1692g(b) by failing to advise Eaton of his right to dispute the debt and is attempting to collect and request verification of same.
11. As a direct and proximate result of the conduct of FRS, Eaton has suffered damages.

WHEREFORE, Plaintiff respectfully moves for Judgment in his favor and for the following relief:

- a. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1), in an amount to be determined at trial;
- b. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), in the amount of \$1,000.00;
- c. Costs and attorney's fees pursuant to 15 U.S.C. § 1692k(a) (3); and
- d. Any other relief deemed just and proper by the Court.

Dated this 21st day of April, 2009.

JOHNSTON LAW OFFICE


DeWayne Johnston (ND # 5763)

219 South 4th Street
Grand Forks, ND 58201
701-775-0082
FAX: (701) 775-2230
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

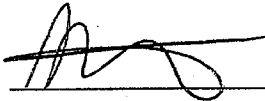
I, **DEWAYNE JOHNSTON**, attorney for Plaintiff, and officer of the court, hereby
certify that a true and correct copy of the foregoing:

1. **SUMMONS; and**
2. **COMPLAINT with DEMAND FOR JURY TRIAL**

was served **PREPAID CERTIFIED U.S. Mail** from Grand Forks, ND on this 21st day of
April, 2009, to the following address:

Mr. Brian Bowers, President
Financial Recovery Services, Inc.
4900 Viking Drive
Edina, Minnesota 55435

JOHNSTON LAW OFFICE



DEWAYNE JOHNSTON (ND ID#5763)

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